

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/050892

International filing date (day/month/year)
01.03.2005

Priority date (day/month/year)
02.03.2004

International Patent Classification (IPC) or both national classification and IPC
B29C45/42, B29C45/72

Applicant
S.I.P.A. SOCIETA INDUSTRIALIZZAZIONE ...

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/EP2005/050892

iAP20 Rec'd PCT/PTO 01 SEP 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/050892

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)

International application No.

PCT/EP2005/050892

Re Item V.

- 1 The following documents are referred to in this communication:

D1: WO-A-03/035360

- 2 The following statements are made taking into account item VIII.

2.1 Independent claim 1

Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parenthesis applying to this document): a device for conditioning of objects in plastic material, having a length (*abstract*), comprising: a rotating turret (*fig. 4*); a group of conditioning cavities, provided with respective opening for the insertion of said objects, defining the first and second cavities; a first side of the turret on which the respective insertion openings of the first cavities are located and a second side of the turret facing the first side on which are located the respective insertion openings of the second cavities (*pages 13 and 14, fig. 4 and 12*).

From this, the subject-matter of independent claim 1 differs in that the first conditioning cavities are located in such a way as to be side by side with the second cavities for at least part of their own length.

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)

The objective problem underlying claim 1: to provide an alternative device with a simpler construction, which retains a modularity feature which enables it to be employed in already existing moulding plants, cf. description, page 2, lines 17-19.

The solution to this problem proposed in claim 1 of the present application is neither known nor is it suggested from the cited prior art documents.

Consequently the subject-matter of claim 1 meets the requirements of Article 33(3) PCT.

2.2 Independent claim 10

The same reasoning applies, *mutatis mutandis*, to the subject-matter of the corresponding independent claim **10**, which therefore is also considered novel and inventive.

3. Claims **2** to **9** and **11** are respectively dependent on claims **1** and **10** and fulfills as a result the requirements of Articles 33(2) and (3) PCT.
4. The subject-matter of claims **1** to **11** is considered as susceptible of industrial application (Article 33(4) PCT).

Re Item VII.

1. Independent claim **10** is not in the two-part form in accordance with Rule 6.3(b) PCT.
2. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in document D1 is not mentioned in the description, nor is this document identified therein.
3. Figure 10, present on drawing page 7/7 is not part of the listing of page 3 in the description.
4. According to the requirements of Rule 11.13(l) reference signs not appearing in the description shall not appear in the drawings, and vice versa. This requirement is not met in view of the reference sign 24 which appears in the description on page 5 but which does not appear in the drawing (figure 4).
5. According to the requirements of Rule 11.13(m) PCT the same feature shall be denoted by the same reference sign throughout the application. This requirement is not met in view of the use of the reference sign 5 (higher half mould 5, figure 5) which

appears in the description on page 5 as "higher half mould S".

Re Item VIII.

In respect of Article 6 PCT, the following is observed.

1. The term "conditioning" used in claims **1 to 5, 7, 8, 10 and 11** is vague and unclear and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claims unclear.
2. The embodiments of the invention described on page 9, lines 27-29, and on page 10, lines 8 and 9 do not fall within the scope of the claims. This inconsistency between the claims and the description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear, Article 6 PCT. Removal of the inconsistency by deleting the "excess" subject-matter from the description, cf. the PCT Guidelines, 5.30, appears to be possible.